

**Enrolled Minutes of the Forty-Third Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, August 26, 2013**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 26, 2013 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the *Works Board Order No. 2013-47*, regarding the purchase of computers for the police vehicles.
3. The Public Works Director advised the Town Council that residents from the 3300 Block of Condit Street may be here to present a petition seeking to have street improvements and the establishment of a general improvement district.

The study session ended at 7:02 O'clock p.m.

Regular meeting. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 26, 2013 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Brian J. Novak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Town Council President Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Ed Dabrowski, IT (Contract) Director; Randy Bowman, Assistant Inspector for Electric; Susan Murovic, Inspection Clerk; and Corporal L. John Siple, Highland Police Detective were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of August 12, 2013 were approved by general consent.

Special Orders:

1. **Special Appreciation or Encomium:** Jonathan Petersen, Esq., seeks to express favor for work of Detective L. John Siple for his police work associated with a

fraud investigation. The recognition may include a presentation for the Cops and Kids Program.

Jonathan Peterson, Esq., Executive Director of Justice for Victims Committee presented to Detective Corporal Siple a plaque commending the detective's work in uncovering a significant real estate fraud scam, resulting in a significant restitution. Mr. Peterson presented a check in the amount of \$100 payable to the F.O.P. Cops and Kids Program in the name of the Detective Cpl. Siple. The detective thanked committee for its presentation.

2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2013 Budget for the **Unsafe Building Fund** in the amount of **\$4,900.00.**

(a) Attorney verification of Proofs of Publication: The Town Attorney verified that the proof of publication complied with IC 5-3-1. The TIMES 15 August 2013.

(b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2013-35:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Unsafe Building Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2013-35. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Kuiper moved the passage and adoption at the same meeting of introduction of Enactment No. 2013-35. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2013-35**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the UNSAFE BUILDING FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Unsafe Building Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unsafe Building Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

UNSAFE BUILDING FUND	
Acct. No. 310.05 Demolition Services:	\$ 4,900.00
<i>Total 300 Series:</i>	\$ 4,900.00
Fund Total:	\$ 4,900.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th Day of August 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 26th Day of August 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2013 Budget for the Plan Commission Department in the amount of **\$22,000** and the Building and Inspection Department in the amount of **\$2,000 both of the Corporation General Fund** and in the **Motor Vehicle Highway (MVH) Street Fund** in the amount of **\$9,343.00**.
 - (a) Attorney verification of Proofs of Publication: The Town Attorney verified that the proof of publication complied with IC 5-3-1. The TIMES 15 August 2013.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2013-36:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget or the Plan Commission Department in the amount of **\$22,000** and the Building and Inspection Department in the amount of **\$2,000 both of the Corporation General Fund** and in the **Motor Vehicle Highway (MVH) Street Fund** in the amount of **\$9,343.00**, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2013-36. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Enactment No. 2013-36. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2013-36

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE BUILDING AND INSPECTION DEPARTMENT AND THE PLAN COMMISSION DEPARTMENT OF THE CORPORATION GENERAL FUND AS WELL AS THE MOTOR VEHICLE HIGHWAY FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Building and Inspection Department** and the **Plan Commission Department of the Corporation General Fund** as well as the **Motor Vehicle Highway Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Building and Inspection Department** and the **Plan Commission Department of the Corporation General Fund** and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND:

Increase the following Accounts:

Plan Commission Department

Acct. No. 310.01 Commission Legal Fees	\$ 5,000.00
Acct. No. 310.02 Commission Engineering Fees	\$ 17,000.00
Total 300 Series:	\$ 22,000.00

Building and Inspection Department

Acct. No. 210.01 Gasoline and Oil	\$ 2,000.00
Total 200 Series:	\$ 2,000.00

Total Increase for Fund: \$ 24,000.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Motor Vehicle Highway Fund** and for the purposes herein specified, subject to the laws governing the same:

MOTOR VEHICLE HIGHWAY FUND:

Increase the following Account:

Acct. No. 111.31 Laborer's Wages	\$ 9,343.00
Total 100 Series:	\$ 9,343.00

Total Increase for Fund: \$ 9,343.00

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th Day of August 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 26th Day of September 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Unfinished Business and General Orders:

1. **Grant Appropriation Enactment No. 2013-34:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 *et seq.*

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Enactment No. 2013-34. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption at the same meeting of introduction of Enactment No. 2013-34. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
APPROPRIATION ENACTMENT
ENACTMENT NO. 2013-34**

An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area Domestic Highway Enforcement Task Force**, particularly represented on Clerk-Treasurer's receipt number 131475 in the total amount of **\$876.28**, receipt number 132327 in the total amount of \$343.24, and receipt number 133172 in the total amount of \$1,255.68 as reimbursement in support of overtime costs for detailed personnel and certain equipment maintenance;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the actual overtime personnel expenses of said municipality related to the Domestic Highway Enforcement Initiative (DHE) funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, or for equipment maintenance, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Account: #111.30 Sworn Overtime	<u>\$ 1,824.88</u>
Total 100 Series Increases	<u>\$ 1,824.88</u>
 Increase Account: #360.01 Equipment Maintenance	 <u>\$ 650.32</u>
Total 300 Series Increases	 <u>\$ 650.32</u>

Total of All Fund Increases: \$1,970.05

Section 2. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th day of August 2013. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 26th Day of September 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2013-37:** A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services for the 2013-2014 School Year.

Councilor Zemen moved the passage and adoption of Resolution No. 2013-37. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
TOWN COUNCIL RESOLUTION No. 2013-37**

A Resolution Approving an Interlocal Cooperation Agreement between the Incorporated Town of Highland and the School Town of Highland for the Utilization of School Resource Officer Program Services

WHEREAS, Indiana Code 36-1-7-1, et seq., allows local government entities to make the most efficient use of the powers by enabling them to mutually utilize services for the mutual benefit of each other; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland, Lake County, Indiana are municipal corporations empowered by the aforesaid Interlocal Cooperation Act, as amended, with authority to contract with each other on a basis of mutual advantage so as to better provide public services and facilities at a shared cost; and

WHEREAS, The Incorporated Town of Highland and the School Town of Highland desire to enter into a joint agreement pursuant to IC 36-1-7-1, et seq., to provide for the ability and flexibility to obtain for the Highland Students certain gang resistance training, a heightened law enforcement presence in the local public schools as well as other related services for the mutual benefit of the participating entities, and at a shared cost;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Highland, Lake County as follows:

Section 1. That a joint agreement, a copy of which is attached and incorporated herein by reference, among and between the Incorporated Town of Highland and the School Town of Highland entered into by the Town of Highland by and through its Town Council, this 26th Day of August 2013 is hereby authorized and approved in each and every respect.

Section 2. That the purpose of this agreement is to authorize and allow the Town Council of the Town of Highland and the School Board of Trustees to act as a joint board of the two participating entities to mutually support and utilize certain specified services associated with the School Resource Officer Program for the mutual benefit of the participating entities at shared costs.

Section 3. That the Clerk-Treasurer of the Town of Highland is hereby authorized to execute the duties related to the payment, collection and accounting for all moneys of this joint undertaking, pursuant to the terms of this agreement, in a manner that is mutually acceptable with the duly constituted and acting fiscal officer of the School Town of Highland.

Section 4. That the governing boards of the participating entities may be convened as a joint board, or may act as a joint board at separate meetings of the respective governing bodies of the participating entities in which the entities concur.

Section 5. That the governing boards of the participating entities may create a committee comprised of representatives from both participating entities or may designate a single individual from each of the participating entities, which may perform such administrative ministerial duties as the joint board may direct and the agreement may provide.

Section 6. That the President of the Highland Town Council and the Clerk-Treasurer are hereby authorized to execute the joint Interlocal Governmental Agreement with their signatures and any additional documents in order to implement the agreement.

Section 7. That this agreement shall be effective as indicated in and pursuant to its provisions, after the agreement has been authorized and approved by each of the participating entities, evidenced by passage and adoption of a similar Resolution all pursuant to I.C. 36-1-7-2.

Section 8. That upon its approval, this agreement repeals the agreements governing the school resource officer program, the first adopted January 17, 1997 and its succeeding agreements.

Section 9. That before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded, the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C. 36-1-7-6.

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 26th day of August 2013. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

INTERGOVERNMENTAL AGREEMENT

This Interlocal Governmental Agreement made and entered into in accordance with I.C. 36-1-7 by and between the TOWN OF HIGHLAND (hereinafter called "Town") and the SCHOOL TOWN OF HIGHLAND (hereinafter called "School Town"), both municipal and corporations organized and operating under the laws of the State of Indiana.

WITNESSETH THAT:

WHEREAS, the Town desires to provide a Town of Highland Police Officer to the School Town to serve in the capacity as School Resource Officer to instruct both the G.R.E.A.T. curriculum and the Officer Friendly program, and to perform other related duties.

THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Town agrees to provide to the School Town the service of one (1) Highland police officer to serve as a School Resource Officer. The purpose of the School Resource Officer will be to minimize the potential for hate crimes/bullying, alcohol and drug-related use, gang-related activities, and disruption and/or criminal behavior in and around schools, such as theft, vandalism, truancy, etc. in the most effective and efficient manner possible. Said officer, who shall remain an employee of the Town, shall provide services as presented in a School Resource Officer Job Description, a copy of which is on file with the Town and the School Town. Said job description may be amended from time to time by a written amendment to this Agreement signed by representatives of both parties.

2. In consideration of the same, the School Town agrees to pay for said services in accordance with the terms of this Agreement the amount of **\$69,908.65 for a period of 180 days** during the **2013-2014 school year**. The basis for said compensation to the Town is presented as an exhibit to this agreement incorporated herein by reference. The School Town's compensation shall be paid in two (2) equal installments, as follows:

- (A) the first being due on or before December 31, 2013;
- (B) the second payment being due on or before June 30, 2014.

3. The Clerk-Treasurer of the Town shall be authorized to execute the duties of receiving payments from the School Town as described in paragraph two (2) and of disbursing and accounting for all such monies in a manner consistent with the terms of this Agreement.

4. The School Resource Officer will be assigned on a full-time basis to the School Town the equivalent of up to one hundred eighty (180) days during the school year. The School Town will only be financially responsible for the equivalent number of days actually worked by the School Resource Officer.

5. The School Resource Officer will wear clothing that will easily identify him or her as a police officer.

6. The School Resource Officer will not take personal time off when school is in session. If sick, he must notify the receptionist at the School Town Administration Center. A substitute may be assigned subject to mutual approval of the Police Chief and the School Superintendent.

7. Lunch must be eaten in a School Town cafeteria unless prior arrangements have been made with the Superintendent/designee.

8. The Town will assume all costs and responsibility of initial and ongoing training associated with the School Resource Officer position. Any vehicle or additional equipment or expenses necessary for the program shall be paid for by the Town.

9. The Town shall be responsible for selecting the police officer to serve as the School Resource Officer, subject to the consent and approval of the School Town. The School Town has final authority on the content of all instructional materials used by the School Resource Officer.

10. The administration of the terms of this Agreement shall supersede any previous Agreement and shall be accomplished through the Superintendent of the School Town or designee and the Chief of Police or designee.

11. Any other provision of this Agreement to the contrary notwithstanding this Agreement may be changed or modified only with the written consent of both parties.

12. All notices or communications provided herein shall be in writing and delivered either in person or via certified or registered United States mail, return receipt requested, and with the proper postage prepaid, addressed to the party for whom such notice or communication is intended.

13. Should any part, term, or provision of this Agreement be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining portion or provisions shall not be affected thereby.

14. No failure or delay in performance of the executed service Agreement by either party shall be deemed to be a breach when such failure or delay is occasioned by or due to any Act of God, strike, lockout, war, riot, epidemic, explosion, sabotage, the binding order of any court or governmental authority, or any other cause, whether of the kind enumerated above or otherwise, not within the control of the party claiming suspension, actually provided that no cause or contingency shall relieve the School Town of its obligation to make payment for the services of the School Resource Officer programs actually provided by the Town.

15. This Interlocal Agreement may be executed in several counterparts, each of which when so executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same instrument, which shall be sufficiently evidenced by any such original counterpart.

16. Before this agreement takes effect, it must be recorded with the Office of the Lake County Recorder. No later than sixty (60) days after it takes effect and is recorded; the agreement must be filed with the Office of the State Board of Accounts for audit purposes, all pursuant to I.C.36-1-7-6.

Participant Counterpart

EFFECTIVE DATE. This agreement shall be effective after the same has been ratified by each of the participating entities by Ordinance or Resolution all pursuant to I.C.36-1-7-2.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed in their names and on their behalf as of the date first written above.

TOWN OF HIGHLAND, INDIANA
3333 Ridge Road, Highland, Indiana 46322

Through its Town Council

By: _____
Brian J. Novak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer

Participant Execution Date: _____

Approved as to Legality and Form:

Rhett L. Tauber, Attorney

Salary	2013	2014
Assigned officer's Sergeant base Salary	\$60,420.88	\$61,629.30 *
Assigned officer's longevity	\$1,206.40	\$1,206.40
One Time Pay Premium		
	61,627.28	62,835.70

Subtotal:

Benefits

Medical Insurance (Family coverage)	\$21,636.48	\$24,232.86 **
Dental Insurance	\$1,216.56	\$1,362.55 **
Life Insurance (.145 per \$1000 of gross payroll, up to \$50k)	\$87.00	\$87.00
Dependent life insurance coverage (\$1.50/mo)	\$18.00	\$18.00
Medicare	\$893.60	\$911.12
Employer Contribution to PERF	\$11,966.47	\$12,205.80
Workers Compensation Insurance (1.82/\$100 salary)	\$1,392.78	\$1,420.09
Law Enforcement Liability Insurance (no discrete premium)		

Subtotal Benefits:	\$37,210.89	\$40,237.41
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Grand Total:	\$98,838.17	\$103,073.11
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Instruction Days: 180

School Year Days: 260

* Assumes an 2.0% increase

** Assumes a 12% increase

School Compensation for 2013-2014 School Year:

2013 Days Students are in School = 89 based upon school calendar

Daily rate: $=(\$98,838.17)/260 = \380.15

2014 Days Students are in School = 91

Daily rate: $=(\$103,073.11)/260 = \396.44

*** PERF Employer Remains 19.7% in 2012 & 2013

	2013	2014
Daily based upon 260 days		
	\$ 380.15	\$ 396.44
Semester 1:		<u>\$ 33,833.06</u>
Semester 2:		<u>\$ 36,075.59</u>
School Total:		\$ 69,908.65

1st Installment Due by December 31, 2013:	\$ 34,954.33
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2nd Installment Due by June 30, 2014:	\$ 34,954.33
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3. **Proposed Ordinance No. 1541:** An Ordinance to Amend Chapter 2.45 of the Highland Municipal Code Regarding the Ethics Code and Values. *The Shared Ethics Advisory Commission has recommended the revision to the original code of Ethics and Values and recommends member communities to approve.*

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1541. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption at the same meeting of introduction of Ordinance No. 1541. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**TOWN of HIGHLAND
ORDINANCE NO. 1541**

AN ORDINANCE AMENDING CHAPTER 2.45 OF THE HIGHLAND MUNICIPAL CODE REGARDING ETHICS CODE AND VALUES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town;

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power;

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has heretofore determined that it would be of great public benefit to participate in a regional shared ethics entity undertaken under provisions of IC 36-1-7, to provide for enhanced ethical understanding and to increase the quality and standards of public service;

WHEREAS, The Town Council has received a recommendation from the proper body of the Shared Ethics Entity to modify the provisions of its Ethics Code and Values, as originally adopted as part of the interlocal cooperation agreement; and,

WHEREAS, The Town Council finds and determined that it would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town, particularly to amend the Ethics Code and Values,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by repealing in its entirety Chapter 2.45 entitled Ethics Code and Values, and replacing it with a new chapter to be numbered 2.45, which shall read as follows:

Chapter 2.45

ETHICS CODE AND VALUES

Sections:

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2.45.010 Establishment of ethics code and preamble.

(A) There is hereby established as ethics code and values for the municipal corporation.

(B) For government to operate with transparency and accountability, it is essential that public officials and employees conduct themselves in ways that uphold the public trust. The Code of Shared Ethics and Values provides guidance and support to public servants for the promotion and maintenance of the highest standards of personal and professional conduct. Because we wish to ensure the public confidence in the integrity of our government entities, it is proposed that all elected and appointed officials, employees, volunteers and others who participate in the municipal government of the Town of Highland shall personally commit to being trained on the values and standards put forth in this code.

2.45.020 Values of honesty and integrity.

(A) All elected and appointed officials, employees, volunteers, and others who participate in the municipal government of the Town of Highland shall endeavor to exhibit the following values of honest and integrity:

(1) To exercise the moral courage to hold myself and others accountable for our actions.

- (2) To work within the law and in a way that will bear close public scrutiny.
- (3) To exhibit trustworthiness.
- (4) To employ decision making that promotes the public's best interests.
- (5) To avoid impropriety and refrain from misusing an official position to secure unwarranted privileges or advantages for myself or others.
- (6) To make no private promises of any kind that may unduly influence my public duties.
- (7) To refrain from engaging in business that would be directly or indirectly inconsistent with the conscientious performance of public duties.
- (8) To accept the responsibility to expose corrupt and/or unethical behavior.
- (9) To protect the public trust by exercising honesty and ensuring transparency.

2.45.030 Values of respect and civility.

(A) All elected and appointed officials, employees, volunteers, and others who participate in the municipal government of the Town of Highland shall endeavor to exhibit the following values of respect and civility:

- (1) To treat every person with dignity and respect.
- (2) To accomplish the goals and responsibilities of my individual position while respecting my role as a member of a team and the community at large.
- (3) To act in a professional, responsive and courteous manner.
- (4) To reach decisions only after considering various points of view.
- (5) To work with others in a spirit of tolerance and understanding.
- (6) To work to build consensus and accommodate diverse opinions.
- (7) To utilize effective communication by listening, asking questions and responding in a way that adds value to the conversation.
- (8) To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

2.45.040 Values of accountability and responsibility.

(A) All elected and appointed officials, employees, volunteers, and others who participate in the municipal government of the Town of Highland shall endeavor to exhibit the following values of accountability and responsibility:

- (1) To refrain from using official positions to secure unwarranted privileges or advantages for myself or others.
- (2) To remove myself from every decision-making process in which I, my business, my associates or my family may benefit and upon removing myself from decisions, I will show self-restraint and not voice my opinion on the question.
- (3) To conduct my private affairs in a manner that minimizes the risk of real, potential or perceived conflicts of interest.
- (4) To make full public disclosure of the nature of any conflict of interest prior to any considered action.
- (5) To respect the privacy of others by keeping confidential information that I acquire in the course of my professional duties protected unless a legitimate reason to disclose exists.
- (6) To refrain from taking advantage of information received in the course of my professional duties that is not available to the public.
- (7) To refrain from directly or indirectly using or allowing the use of government property for anything other than official activities.
- (8) To refrain from soliciting or accepting gifts or gratuities that may have a real or perceived influence on my objectivity in carrying out official responsibilities or placing me under obligation to the donor.
- (9) To refrain from competing with the community where I am employed or serve as an appointed or elected official.

2.45.050 Values of fairness and justice.

(A) All elected and appointed officials, employees, volunteers, and others who participate in the municipal government of the Town of Highland shall endeavor to exhibit the following values of fairness and justice:

- (1) To advocate and promote the most efficient, effective, and equitable way to deliver public services without prejudice or discrimination.
- (2) To publicly acknowledge that the function of government is to serve the best interests of all citizens.
- (3) To refrain from granting preferential treatment to family and friends when making staffing decisions or awarding contracts.
- (4) To refrain from retaliation or condoning retaliation against those who have exposed corrupt or unethical behaviors.
- (5) To assess the effects of inadequate resources on diverse groups within the service population and develop plans to remedy and implement such plans.
- (6) To behave consistently and with respect toward all citizens.

2.45.060 Adherence to this code.

Behavior inconsistent with these values set forth in this code may be redressed by the traditional instruments of governance including state law, ordinances and work rules.

2.45.070 Distribution and communication of code of values.

(A) A document shall be prepared under the authority of this code that shall include the preamble of this code and a listing of the values listed in this code identified by proper heading. This may include incorporation into any employee or officers' policy manual.

(B) Once prepared, the document as described herein shall be presented to the municipality's elected officers, appointed officials and employees for their information.

Section 2. That the provisions set forth in this ordinance shall be effective from and thereafter upon its passage and adoption as evidenced by the executive's signature and attested thereto by the Clerk-Treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 26th Day of August 2013. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, all pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 26th Day of August 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, Town Council President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer

4. **Works Board Order No. 2013-47:** An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Brite Computers of Victor, New York three (3) Police vehicle computers with Accessories pursuant to I.C. 5-22 and Chapter 3.05 of the Highland Municipal Code.

Councilor Kuiper moved the passage and adoption of the Works Board Order No. 2013-47. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2013-47**

An Order Approving and Authorizing the Metropolitan Police Chief to Purchase from Brite Computers of Victor, New York three (3) Police vehicle computers with Accessories pursuant to I.C. 5-22 and Chapter 3.05 of the Highland Municipal Code.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

Whereas, The Metropolitan Police Chief has identified Brite Computers of Victor, New York to be a desirable source vendor for the purchase of (3) three Police Vehicle computers and accessories and since the unit price will likely be below \$14,513.76 no quotes from vendors was or will be sought.

Whereas, The price for the purchase exceeds \$10,000.00 and, pursuant to Section 3.05.040 (C) as well as Section(B) (1) of the Highland Municipal Code requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The Purchasing Agent, pursuant to Section 3.05.050(G) of the Highland Municipal Code, expected that the purchase would not be in excess of \$25,000.00 and therefore, would like to purchase in the open market in accordance with Section 3.05.050(8)(2) of the Highland Municipal Code; and

Whereas, The purchase of these (3) Police Vehicle computers will be supported by the Municipal Capital Cumulative Development (MCCD), Fund;

Whereas, The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

Now, Therefore Be It Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed small purchase pursuant to IC 5-22 and Section 3.05.050(G)(2) of the Highland Municipal Code;

Section 2. That the terms and charges for the Police Vehicle computers, in the total amount of fourteen thousand, five hundred and thirteen four dollars and seventy six cents (\$14,513.76) is found to be reasonable and fair;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 35-5-1-4-14.

Be it so Ordered.

Duly, Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of August 2013 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. Action to cancel the study session meeting of the Town Council of Monday September 2, 2013 owing to the Labor Day Holiday.

Councilor Zemen moved the cancellation of the study session for Monday, September 2, 2013. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. With Councilors Zemen, Vassar, Kuiper and Novak voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The meeting was cancelled.

6. Signature Authorization. Action to authorize and approve the Town Council to execute member signatures on Town Board of Metropolitan Police Commission letter commending Chief Peter Hojnicky, Assistant Chief Patrick Vassar, Commander George Georgeff, Deputy Commander John Banasiak, Sergeant Randall Stewart, Corporal L. John Siple, Corporal Mark Santino, Corporal Jerry Koedyker, Corporal Glenn Cox, Corporal Gerardo Garza, Lance Corporal Gregory Palmer, Lance Corporal John Hinkel, Officer David Byers, Officer Richard Hoffman, Officer John A Swisher, Officer Daniel Matusik, and Officer Brian Stanley for their working six months without calling off sick and not having an at-fault accident.

Councilor Zemen moved to authorize the individual members of the Town Council to sign the letter of commendation. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The signatures were authorized.

7. Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1511 the Wage and Salary Ordinance, as amended. The Public Works Director wishes to increase the pay of two part-time laborers from the starting pay of \$7.25 per hour to \$9.00 per hour. He advises that they will be working some mowing and leaf collection.

Councilor Vassar moved to authorize and approve the higher starting pay as requested. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The employees' pay at the higher level was authorized.

Comments from the Town Council Members

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Liaison • Liaison to the Board of Waterworks Directors.*

Councilor Zemen invited persons to listen to his radio show broadcast on WJOB 1260 AM, which he noted would feature the Redevelopment Director as his guest.

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak inquired of the Metropolitan Police Chief seeking clarification about the manner in which officer's trade shifts and the perfect attendance recognition.

Councilor Herak recognized the Public Works Director to brief the Town Council about the progress of the several public works projects under the Sanitary Board.

- **Councilor Dan Vassar:** *• Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered an overview of on-going activities with the Facade Improvement Grant Program and a "cash-mob" event. It was noted that this involves organizing a group to visit an identified store in the downtown, each mob member spending twenty dollars cash.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper recognized the Fire Chief who briefed the Town Council regarding an incident on September 3 in which the Fire Department participated in a response with a damaged traffic signal.

- **Council President Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law).*

Council President Novak noted that the Traffic Safety Commission may wish to consider the local business's vehicle that legally parks near there but obstructs the clear view to cross at the intersection of Kennedy Avenue and LaPorte Avenue.

Comments from Visitors or Residents:

1. Dave Gearman, 3300 block of Condit Street, Highland, presented a petition with 15 of 17 homes represented from the block seeking to have the street improved and expressing a willingness to share in part in the cost.
2. Don Zuke, 3300 block of Condit Street, Highland, joined in support of the petition. He also indicated that the desire was for reconstruction and not simply re-surfacing of the street.
3. John Osan, owner of the liquor store located at 2950 45th Street, Highland, noted that the undeveloped lot across from his store was slated to be developed as a park, under the aegis of the Highland Community Foundation. He asked that parking be preserved, allowing for 6-8 to be available as it supports his business.

With leave from the Town Council, the Redevelopment Director indicated that Foundation was aware of the issue and is working to provide four or five parking spaces.

Payment of Accounts Payable Vouchers and Approval of Payroll Dockets. There being no further comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 13, 2013 through August 26, 2013. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$234,904.71; Motor Vehicle Highway and Street (MVH) Fund, \$11,477.84; Local Road and Street Fund, \$16,105.49; Law Enforcement Continuing Education, Training and Supply Fund, \$33.98; Information and Communications Technology Fund, \$4,390.85; Special Events Fund, \$2,966.11; Police Pension Trust Fund, \$62,380.15; General Improvement Fund, \$12,00; Traffic Violations and Law Enforcement Agency Fund, \$2,664.50; Safe Neighborhoods Grant Fund, \$2,804.40; Gaming Revenue Sharing Fund, \$183,491.64; Corporation Capital Fund, \$232,710.28; Total: \$753,941.95.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, August 26, 2013 was adjourned at 7:51 O'clock p.m. No study session followed the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer